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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,646	07/30/2003	Mitsuru Namiki	061063-0305323	6856

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EXAMINER

MERLINO, AMANDA H

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,646

Applicant(s)


NAMIKI, MITSURU

Examiner

Amanda H. Merlino

Art Unit

2877



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-16 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/30/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/10/03</u> | 6) <input type="checkbox"/> Other: _____ |

Drawings

Figure 13 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, "the position information" lacks antecedent basis. Since the claim is dependent to any of claims 1 or 3, "the position information" lacks antecedent basis when dependent on claim 1.

All dependent claims (5-7) of the claim 4 stated above are also rejected under 112 as carrying the same problems as stated above since they are dependent from the rejected claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 9, 12-16 rejected under 35 U.S.C. 102(b) as being anticipated by Gershon et al (4,832,486).

Gershon et al teach of a focal measuring device comprising a light source (45) for generating collimated light, a light deflecting unit (46) for deflected the collimated light, a light receiving unit (image pick-up element) which is disposed opposite to the light source so as to sandwich the light deflecting unit (46), where the light receiving unit is disposed near a rear focal plane of the optical element to be test and the light receiving unit outputs an information to a computer for calculating a focal length of the optical element to be tested.

With reference to claim 9, the focal measuring device further comprising a supporting unit (33) for the supporting the optical element to be tested, wherein the supporting unit is disposed between the light deflecting unit and the light receiving unit.

Claims 3-7 rejected under 35 U.S.C. 102(b) as being anticipated by Lapornik (4,139,305).

Lapornik teaches of an apparatus for measuring the focal length of an optical element (10) comprising a light source unit (16) for generating collimated light, a light deflecting unit (20) for deflected the collimated light, a light receiving unit (30) which is

Art Unit: 2877

disposed opposite to the light source so as to sandwich the light deflecting unit (20), where the light receiving unit is disposed near a rear focal plane of the optical element to be test and the light receiving unit outputs a position information to a signal processing unit for calculating a focal length (col 2 ; lines 56-59, the focal length is derived from the vortex power) of the optical element to be tested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Gershon et al (4,832,486).

Gershon et al teach of a focal measuring device comprising a light source (45) for generating collimated light, a light deflecting unit (46) for deflected the collimated light, a light receiving unit (image pick-up element) which is disposed opposite to the light source so as to sandwich the light deflecting unit (46), where the light receiving unit is disposed near a rear focal plane of the optical element to be test and the light receiving unit outputs an information to a computer for calculating a focal length of the optical element to be tested.

Gershon et al lacks the teaching of a double telecentric optical system disposes between the supporting unit and the light receiving unit.

Art Unit: 2877

Official Notice is taken that use of telecentric lens are old and well known in the art. See In Re Malcolm 1942C.D.589:543 O.G.440. At the time of the invention, it would have been obvious to one of ordinary skill in the art to place a telecentric lens between the supporting unit and the light-receiving unit to focus the beams onto the best position on the light-receiving unit to make a more accurate measurement of the focal length.

Reasons for Allowance

The following is a statement of reasons for the indication of allowable subject matter:

Claim 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 8, the prior of record, taken alone or in combination, fails to disclose or render obvious focal measuring device comprising diffraction unit for deflecting the collimated light from the light source, in combination with the rest of the limitations of claim 8.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

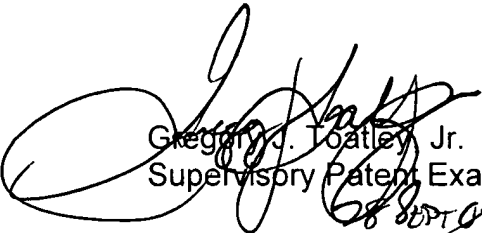
Voggenthaler (3,912,395) teach of using diffraction gratings as deflecting units to measure optical distortion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda H Merlino whose telephone number is 571-272-2421. The examiner can normally be reached on Monday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J Toatley, Jr. can be reached on 571-272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amanda H Merlino *ahm*
Patent Examiner
Art Unit 2877
September 20, 2005


Gregory J. Toatley, Jr.
Supervisory Patent Examiner
28 SEP 05